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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,577	09/15/1998	DANIEL J. ZIGMOND	3382-50875/S	5732

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EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 05/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/153,577

Applicant(s)
ZIGMOND ET AL.

Examiner
Tammara P yton

Art Unit
2182



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 18, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 11-16, 21, 22, 24-28, and 30-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 11-16, 21, 22, 24-28, and 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 6, 7, 13-16, 21, 22, 24-28, 30, and 35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by *Broadwin et al.*, (US patent 5,929,850).

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3. As per claim 6, *Broadwin* teaches a method of operating a screen to transition between display of a television signal and display of auxiliary data from an auxiliary data network that delivers data apart from the television signal [via Interactive Decoder, 140, Fig. 3], comprising:

displaying a television signal [via Interactive Decoder, 140, Fig. 3];

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon [Graphic On Screen Display, 322, Fig.3] , said icon indicating the availability of associated auxiliary data from the auxiliary data network [Steps 422-428, Figs. 5 and 6] ; and

responsive to a signal from a viewer during the displaying the icon [Steps 428, 429, Fig. 6, Steps 526 - 536, Figs. 13 and 14] displaying a graphical control panel [See Figs. 15-18] operable by the viewer to cause display of the auxiliary data associated with the icon. [Abstract, col. 7, lines 64 - col. 11, lines 1-43]

4. As per claims 7, *Broadwin* teaches displaying said icon for a predetermined period, and thereafter removing the displayed icon from the screen. [col. 10, lines 21-24]

5. As per claim 13, *Broadwin* teaches displaying in the graphic control panel a title of the auxiliary data associated with the icon. [See Fig. 16-18]

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6. As per claim 14, *Broadwin* teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel, displaying the auxiliary data. [Figs. 13-14]

7. As per claims 15 and 16, *Broadwin* teaches a method of operating a screen transition between display of a television advertising message and display of additional information from the Internet relating to the subject of the advertising message, comprising:

displaying a televised advertising message;

in response to logical address link data conveyed with the televised advertising message, displaying with said televised advertising message an icon; and

in response to user selection of said icon, displaying a graphical control panel that presents to the user a plurality of options selectable by the user, a first option selectable by the user to indicate desire to return to the displaying the televised advertising message, and a second option selectable by the user to indicate desire to view additional information from the Internet relating to the subject of said advertising message. [See Figs. 13 - 17, and col. 12, lines 4-col. 19, lines 1-64]

8. As per claims 21, 24, 30, and 35-38, *Broadwin* teaches of display a televised advertising message [col. 9, lines 53-55] and display of additional information from the Internet relating to the subject of the advertising message. [Figs. 14, Step G and 18] Further, *Broadwin* teaches that if the user selects the icon displaying during the televised advertising message a graphical control panel

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appears to the user. The user is offered several options in which to choose from. One option is to return to the television program the user was watching thereby ending the display of the panel.

[See Fig.16] The second option offers to the user to gather more information related to the televised program from the Internet. [col. 18, lines 38-55] If the second option is chosen then new display information related to the chosen option replaces the display of the television program and is displayed to the user. [col. 2, lines 25-col. 7]

9. As per claim 22, *Broadwin* teaches of an embodiment which includes displaying the [graphical] control panel in conjunction with display of said television programming. [col. 10, lines 48-55]

10. As per claims 25 and 26, *Broadwin* discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen. [Figs. 7-9, col. 11, lines 45- col. 12, lines 1-46]

11. As per claim 27, *Broadwin* teaches that responsive to a second signal from the viewer during the displaying the control panel, ending the displaying the control panel. [See Fig. 16]

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12. As per claim 28, *Broadwin* teaches a method in which the control panel includes plural graphical controls, one for causing display of the auxiliary data, and one for ending the displaying the control panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 11, 12, 31-34, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Broadwin et al.*, (US patent 5,929,850).

14. As per claims 11, 12, 33, and 34, *Broadwin* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it would have been obvious that after the specific program has ended that particular icon related to the show is removed from the screen.

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15. As per claims 31, 32, and 39, it would have been obvious that the icon is translucent in order to not inhibit the viewer's program during the broadcast. Further, it is a well known technique to change the luminance of a control panel especially for WEB TV compliance systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for formal communications intended for entry should be sent to:

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(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

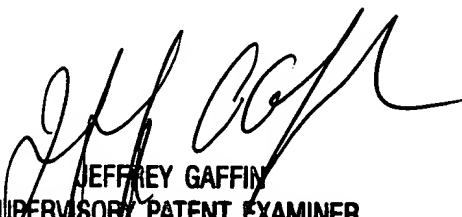
(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, ~~Sixth~~ ^{Fourth} Floor (Receptionist).

Tammara Peyton

May 20, 2002


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100